

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2214 OF 2005

Mr.Shahenshah S.Mohammed ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Girish Kulkarni for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 8, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. It is not in dispute that investigation is still in progress. Although the original complaint as filed, would indicate that it was a case of accident, however, there is substance in the argument canvassed on behalf of the learned A.P.P. that the investigation discloses a different course which culminated with the accident. The medical

opinion now available on record indicates that injury Nos.(iv) to (xi) were caused before the accident took place and those injuries could be caused by beating.

3. As investigation is still in progress, and is at a crucial stage, not a case for bail, having regard to the seriousness of the offence. Hence, rejected.

4. It is, however, made clear that in the event, the Applicant prefers fresh Bail Application after filing of the charge-sheet, the same may be considered on its own merits, uninfluenced by the observations made in this order because the observations are only tentative, for considering the present Bail Application.

5. Learned A.P.P. states, on instructions of the Investigating Officer, who is present in Court, that charge-sheet will be filed in about three weeks time from today. That assurance is accepted.

6. Application disposed of on the above

terms.

A.M.KHANWILKAR, J.